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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,909	01/10/2001	Sandeep Jaggi	30454-00274 / 99-392	9228

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,909

Applicant(s)

JAGGI, SANDEEP

Examiner

Frantzy Poinvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-11, and 15-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11 and 15-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Regarding the status of the claims in the instant application, the Examiner has found new prior art. The Examiner is obliged to apply the newly found prior art. Thus, the finality of the prior Office action has been withdrawn and a new rejection follows. The Examiner regrets the delayed process of the application. Accordingly, claims 1-4, 8-11 and 15-31 remain pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15, 16, 18-22, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Provost et al (US Patent No. 6,341,265).

As per claims 15 and 21, Provost et al disclose a computer-based system for handling accounts payable, the system comprising:

Means for receiving a bill comprising a billing code and a billing amount associated with the billing code (column 6, lines 6-8 and figure 3);

Means for determining an authorized amount associated with the first billing code from a database (column 6, lines 8-11, column 7, lines 47-51); and

Means for approving payment of the billing amount in response to the billing amount not exceeding the authorized amount (column 9, lines 9-14 and column 10, lines 2-16).

As per claim 16, Provost et al disclose the billing code is associated with a task (column 9, lines 44-58).

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As per claim 18, means for not approving payment in response to the authorized amount being less than the billing amount (column 10, line 53 to column 11, line 18).

As per claim 19, means for automatically generating a communication in response to not approving payment (column 10, lines 53-63).

As per claim 20, the bill comprises an electronic spreadsheet (figure 3 of Provost et al).

As per claim 22 Provost et al disclose the billing code is associated with a task (column 9, lines 44-58).

As per claim 24, not approving payment in response to the authorized amount being less than the billing amount (column 10, line 53 to column 11, line 18).

As per claim 25, the bill comprises an electronic spreadsheet (figure 3 of Provost et al).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 23, 26, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provost et al (US Patent No. 6,341,265).

The teachings of Provost et al are discussed above. As per claim 17, means for checking whether the task has been completed before approving payment of the bill is not explicitly taught by Provost et al. As per this limitation, the Examiner asserts that before a payment is made most entities or payors usually confirm that services or a specified task was rendered or unless agreement between service provider and a client was pre-negotiated. Checking whether the task has been completed before approving payment of the bill would have been obvious to one of ordinary skill in the art at the time the invention was made in order to determine the eligibility of making payment.

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The teachings of Provost et al are discussed above. As per claim 23, checking whether the task has been completed before approving payment of the bill is not explicitly taught by Provost et al. As per this limitation, the Examiner asserts that before a payment is made most entities or payors usually confirm that services or a specified task was rendered or unless agreement between service provider and a client was pre-negotiated. Checking whether the task has been completed before approving payment of the bill would have been obvious to one of ordinary skill in the art at the time the invention was made in order to determine the eligibility of making payment.

The teachings of Provost et al are discussed above. As per claim 26, calculating a due date for completion of the task is not explicitly stated by Provost et al. The Examiner asserts that as most doctors procedures or surgeries involve setting up a date to perform the procedures or surgery by a physician. Therefore calculating a due date for completion of the task or medical procedure in the system of Provost et al would have been obvious to one of ordinary skill in the art in order to assure that all tests or equipment would be ready when the task is to be performed.

The teachings of Provost et al are discussed above. As per claim 30, means for approving payment of the authorized amount in response to the billing amount exceeding the authorized amount would have been obvious to one of ordinary skill in the art if changes or error in the authorized amount was made or was improperly analyzed or negotiated.

The teachings of Provost et al are given above. As per claim 31, approving payment of the authorized amount in response to the billing amount exceeding the authorized amount would have been obvious to one of ordinary skill in the art if changes or error in the authorized amount was made or was improperly analyzed or negotiated.

4. Claims 1-4, 8-11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provost et al (US Patent No. 6,341,265) and Giannini (US Patent No. 5,915,241).

As per claims 1 and 8, Provost et al disclose a provider's claim editing and settlement system comprising:

Receiving into the system an approval for authorizing a particular billing code of a first plurality of billing codes each having a first budget amount stored in a first database.

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Determining whether the particular billing code is present in a second database comprising a second plurality of billing codes each having a second budget amount is not explicitly stated in Provost et al. Giannini discloses a method and system encoding and processing alternative healthcare provider billing wherein a second plurality of codes are used to match a first plurality of service codes from a first provider. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Giannini into Provost et al in order to insure that a provider's billing amount matches an insurance approved amount therefore preventing insurance fraud or overpayment.

Provost et al further teach generating a communication from the system authorizing the second budget amount associated with the particular billing code in response to the particular billing code matching one of the second plurality of billing codes and generating a communication authorizing the first budget amount associated with the particular billing code in response to the particular billing code matching none of the plurality of billing codes (applicant is directed to column 7, lines 41-51, column 9, lines 9-57 and column 12, line 29-38).

As per claims 2 and 9, the billing code of Provost et al is associated with a task.

As per claims 3 and 10, generating an authorization for the task before determining whether the particular billing code is present in the second database would have been obvious to one of ordinary skill in the art in view of Provost et al and Giannini in order to properly match codes in the two databases thereby detecting possible fraud.

As per claims 4 and 11, receiving a selection of a firm associated with the second budget database prior to determining whether the particular billing code is present in the second database is similar to the insurance company receiving billing codes for matching with their database.

5. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provost et al (US Patent No. 6,341,265) and Giannini (US Patent No. 5,915,241) as applied to claims 1 and 26 above, and further in view of Haggerson et al (US Patent No. 5,956,690).

The teachings of Provost et al are discussed above.

As per claim 27, automatically sending the authorization form with the due date to a selected firm is not explicitly taught by Provost et al. Haggerson et al disclose a billing accounting system in which a bill is sent to a payor or insurance company for payment of a bill of their clients. See column 10, lines 24-37. Here, the selected firm is the payor or insurance company. It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to incorporate the teachings of Haggerson et al into Provost et al in order to provide payors with updated information regarding their clients.

As per claim 28, entering one of the first budget amount and the second budget amount into a third database is interpreted as the insurance company storing the budget amount in their database for potential conflict resolution purposes.

Conclusion

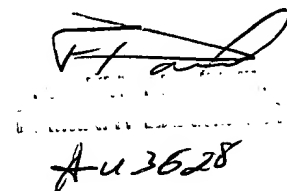
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) (872-9327).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

January 21, 2004

A handwritten signature, possibly "Frantzy Poinvil", is written over a rectangular stamp. Below the signature, the text "Art Unit 3628" is handwritten.